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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,887	01/25/2002	Kenji Ono	218475US-2TTCRD	5465

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,887

Applicant(s)

ONO, KENJI

Examiner

Matthew J. Ludwig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 12-16, 19, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-11, 17, 18, 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment received 6/14/05.
2. Claims 1-25 are pending in the application. Claim 1, 13, and 25, are independent claims.
3. Claims 1-4, 7, 12-16, 19, 24, and 25 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiko Sata, 'Improvement of Translation Quality of English Newspaper Headlines by Automatic Preediting', September 1999, pp 496-500 in view of Bourbonnais et al., USPN 6,446,036 filed (4/20/1999). The rejection of claims 2 and 3 under 35 U.S.C. 112, second paragraph, have been withdrawn as necessitated by applicant's amendment. Finally, the Examiner has rejected the claims under 35 U.S.C. 101 and therefore has made this office action non-final.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 1-25 are rejected under 35 U.S.C. 101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

More specifically, the claim language recites a decision unit that identifies an article body and the headline. A phrase alignment processing unit configured to extract a noun phrase from the headline and a noun phrase candidate from a head sentence of the article body, to count

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coincident words between the noun phrase and the noun phrase candidate. The limitations read as though they could be performed by a person as a mental step or using pencil and paper.

Identifying terms, counting coincident words, and translating words into a second language, do not form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4, 7, 12-16, 19, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiko Sata, 'Improvement of Translation Quality of English Newspaper Headlines by Automatic Preediting', September 1999, pp 496-500 in view of Bourbonnais et al., USPN 6,446,036 filed (4/20/1999).**

In reference to independent claim 1, Sata teaches:

A preediting module examines from left to right on the list of morpholexical units whether a part of the list and the condition of the rewriting rules are matched, and it rewrites the parts where matches are established (compare to "*discriminately identifying the article body and the headline*"). See Sata, page 496.

Sata discloses the rewriting actions classified into addition, deletion and substitution of English expressions, and insertion of preediting symbols. More specifically, the preediting module rewrites the headlines to ordinary expressions. The reference fails to explicitly point out

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the translate the article body and the headline into the second language based on the identification result of said decision unit; however, the Bourbonnais teaches changing the format of the document at a format conversion section, modifying the text at a text improvement section, tagging words at a word tagging section, and translating the document at a translation section.

In the headline where the verb ‘be’ is not expressed, there exists a noun phrase in front of the key in question. An adverb may exist between the noun phrase and the key as in the headline. The condition (C1) is set where a noun phrase must exist either immediately in front of a candidate for the key in question, or immediately in front of the adverb which exists immediately in front of the candidate (compare to “*a phrase alignment processing unit configured to respectively extract a noun phrase from the headline and a noun phrase candidate from a head sentence of the article body...*” See Sata, page 497.

It would have been obvious to one of ordinary skill in the art, having the teachings of Sata and Bourbonnais before him at the time the invention was made, to modify the preediting module which rewrites characteristic expressions to ordinary ones to include the preprocessing methods of Bourbonnais, because it would have resulted in a more uniform quality of translation from various MT Engines.

In reference to dependent claim 2, Sata teaches:

The preediting module examines from left to right on the list of morpholexical units whether a part of the list and the condition of the rewriting rules are matched, and it rewrites the parts where matches are established. See Sata, pages 496-497.

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In reference to dependent claim 3, Sata teaches:

The preediting module examines from left to right on the list of morpholexical units whether a part of the list and the condition of the rewriting rules are matched, and it rewrites the parts where matches are established. See Sata, pages 496-497.

In reference to dependent claim 4, Sata teaches:

In the headline where the verb 'be' is not expressed, there exists a noun phrase in front of the key in question. An adverb may exist between the noun phrase and the key as in the headline. The condition (C1) is set where a noun phrase must exist either immediately in front of a candidate for the key in question, or immediately in front of the adverb which exists immediately in front of the candidate. See Sata, page 497.

In reference to dependent claim 7, Sata teaches:

Search the input string for a finite verb from left to right. If one is found, then search backwards for a noun phrase whose head noun agrees with the verb in person and number. If such a noun phrase a noun phrase exists, then regard it as a subject of the finite verb. See Sata, page 498.

In reference to dependent claim 12, Sata teaches:

A preediting module examines from left to right on the list of morpholexical units whether a part of the list and the condition of the rewriting rules are matched, and it rewrites the parts where matches are established (compare to "*discriminately identifying the article body and the headline*"). See Sata, page 496.

The reference fails to explicitly point out the translate the article body and the headline into the second language based on the identification result of said decision unit; however, the

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Bourbonnais teaches changing the format of the document at a format conversion section, modifying the text at a text improvement section, tagging words at a word tagging section, and translating the document at a translation section.

It would have been obvious to one of ordinary skill in the art, having the teachings of Sata and Bourbonnais before him at the time the invention was made, to modify the preediting module which rewrites characteristic expressions to ordinary ones to include the preprocessing methods of Bourbonnais, because it would have resulted in a more uniform quality of translation from various MT Engines.

In reference to claims 13-16, 19, and 24, the limitations reflect the methods comprising instructions used for performing the apparatus claims in 1-4, 7, and 12, respectively, and in further view of the following, are rejected under similar rationale.

In reference to independent claim 25, the limitations reflect the computer readable instructions used for performing the apparatus as claimed in number 1, respectively, and in further view of the following, is rejected along the same rationale.

Allowable Subject Matter

8. Claims 5, 6, 8-11, 17, 18, 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 6/14/05 have been fully considered but they are not persuasive.

Applicant argues on page 12 of the amendment that the combined disclosure of Sata and Bourbonnais do not teach or suggest a noun phrase candidate corresponding to a noun phrase of the headline being extracted from the article body. More specifically, applicant states Sata merely describes rules for inserting verb "be" in a headline. The examiner would like to point out the broad nature of the term noun phrase and the implication of such a term within the claim language. The noun phrase taught by Sata provide a proficient description of a noun phrase and more specifically, the rewriting actions classified into addition, deletion, and substitution of English expressions. Sata indicates that omissions of "be" were found in 73 out of 284 headlines, and defines that an expression which unites with "be" to function as a finite predicate is called a key. Also, Sata indicates that a decision on the insertion of "be" can be made on whether there is a clause which syntactically conflicts with the latent clause. The Examiner believes the claim limitations do not prevent the utilization of "be" acting as a noun phrase as taught by Sata, see pages 496-497.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
September 2, 2005


STEPHEN HONG
SUPERVISORY PATENT EXAMINER